

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by: Annie Feng, Planner II

**SUBJECT:** Plat, P 2-1-03 Oak Scholar - Davie, Keith & Schnars, P.A./ Oak Scholar of Broward, LLC, 3655 Shotgun Road (SW 154 Avenue)/Generally located on the west side of Shotgun Road, north of SW 36 Street.

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS OAK SCHOLAR - DAVIE AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE

### **REPORT IN BRIEF:**

The subject site is located on the west side of Shotgun Road, south of SW 36 Street, across the street from the single-family development known as Riverstone. The dedicated right-of-way for Shotgun Road along the plat is 95 feet. This 95 feet includes 15 feet out of a total 60-foot canal reservation (the remaining 45 feet is within the plat boundary). A 15-foot equestrian trail exists east of the 60-foot canal reservation and within the right-of-way for Shotgun Road. A newly constructed roundabout is located at the intersection of Shotgun Road and SW 36 Street, just to the north of this plat.

The plat is restricted to 75,000 square feet for a charter school, consisting of 26,400 square feet for an elementary school and 48,000 square feet for a secondary school. Access is via an 80-foot access opening on Shotgun Road (SW 154 Avenue) adjacent to the south property line. A 30-foot canal maintenance easement is provided along the eastern limits of the plat. A 10-foot wide utility easement is provided along the north, south and east property lines.

This plat lies within the sensitive East Everglades Archeological Zone of Broward County. An archeological survey of this plat was conducted in 1991 by the Archeological and Historical Conservancy, Inc., which reported that one archeological site, 8BD52, exists within the property. This site is currently a Local Area of Particular Concern, and may be eligible for listing on the National Register of Historic Places. Staff notes the applicant must enter into an agreement with Broward County and the Town of Davie that specifies a management plan for these archeological resources. In addition, the boundary of the site shall be professionally surveyed, delineated on the plat with site name, Florida Site File number, and preservation agreement designation, and shall be included in the legal description of the plat.

The Future Land Use Plan Map designation of the subject site is Residential (1DU/AC). A school is a permitted use as a community facility within the residential land use category. The proposed plat is generally consistent with the Comprehensive Plan and Land Development Code as it relates to use, location, and size. The applicant is requesting to rezone the property from AG (agricultural District) to CF (Community Facilities District) to accommodate the proposed charter school (ZB 2-4-03). Due to outstanding issues for the proposed site plan, the rezoning application is not ready for Town Council review at this time. The plat application is due to expire on February 24, 2004 in Broward County. Due to this time constrain, the applicant requests to process this application prior to all other requests. The plat approval is subject to the rezoning approval by Town Council.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the January 28, 2004, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to deny (Motion carried 3-1 with Mr. McLaughlin objecting and Mr. Stevens absent).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration. In addition, the following conditions must be met prior to final approval:

1. The plat approval is subject to the approval for rezoning (ZB 2-4-03) from AG (agricultural District) to CF (Community Facilities District).
2. Provide a 10-foot recreation trail along the north property line adjacent to SW 36 Street.
3. Indicate the existing 15-foot equestrian trail along the east plat limit.
4. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event, sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
5. A mylar copy of the plat shall be provided to the Planning and Zoning Division upon recordation.

**Attachment(s):** Plat, Resolution, Future Land Use Map, Zoning and Aerial Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS OAK SCHOLAR - DAVIE AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat of the subdivision to be known Oak Scholar -Davie has been approved by the Town Planning and Zoning Board on January 28, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat of the subdivision known as Oak Scholar is hereby approved subject to staff's recommendations and conditions on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign such plat on behalf of the Town and the Town Clerk is directed to affix to such plat the Town seal.

SECTION 3. This Resolution shall take effect upon approval of the rezoning (ZB 2-4-03) from AG (agricultural District) to CF (Community Facilities District).

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

**Application #:** P 2-1-03 Oak Scholar - Davie  
**Exhibit "A"**

**Revisions:** 2/2/04  
**Original Report Date:** 1/15/04

---

**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
*Staff Report and Recommendation*

---

**Applicant Information**

**Owner:**

**Name:** Oak Scholar of Broward, LLC  
**Address:** 6035 SW 88 Court  
**City:** Miami, FL 33173  
**Phone:**

**Agent/ Council:**

**Name:** Keith & Schnars, P.A.  
**Address:** 6500 N. Andrews Avenue  
**City:** Ft. Lauderdale, FL 33309  
**Phone:** (954) 776-1616

---

**Background Information**

**Application History:** No deferrals have been requested.

**Planning and Zoning Board Recommendation:** At the January 28, 2004, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to deny (Motion carried 3-1 with Mr. McLaughlin objecting and Mr. Stevens absent).

**Application Request:** Approval of the resolution for the proposed plat known as Oak Scholar- Davie

**Affected District:** District 4

**Address/Location:** 3655 Shotgun Road (SW 154 Avenue)/Generally located on the west side of Shotgun Road, south of SW 36 Street.

**Future Land Use Plan Designation:** Residential (1DU/AC)

**Existing Zoning:** AG, Agricultural District

**Proposed Zoning:** CF, Community Facilities District

**Existing Use:** Vacant

**Proposed Use:** 75,000 square feet of charter school consisting of 26,400 square feet of elementary school and 48,000 square feet of secondary school.

**Parcel Size:** 10.63 acres (463,003 square feet)

**Surrounding Use:**

**North:** Vacant & SW 36 Street  
**South:** Vacant Land  
**East:** Shotgun Road (SW 154 Avenue)  
**West:** I-75

**Surrounding Land**

**Use Plan Designation:**

Residential (1DU/ AC)  
Residential (1DU/ AC)  
Residential (1DU/ AC)  
Transportation

**Surrounding Zoning:**

**North:** AG, Agricultural District  
**South:** CF, Community Facilities District  
**East:** E, Estate District  
**West:** T, Transportation

---

## **Zoning History**

**Related Zoning History:** On October 16, 2002, the Town Council approved Ordinance 2002-35, amending the Land Development Code to create Article IX of Chapter 12, entitled “Rural Lifestyle Regulations” and to create Scenic Corridors Overlay District. Shotgun Road was designated as a scenic corridor.

**Previous Requests on Same Property:**

The applicant has submitted the following requests simultaneously with this request. However, these applications are not ready for Town Council review at this time. The plat application is due to expire on February 24, 2004 in Broward County. Due to this time constrain, the applicant requests to process this application prior to all other requests.

A rezoning request (ZB 2-4-03) to rezone the subject property from AG (Agricultural District) to CF (Community Facilities District);

A site plan application (SP 2-4-03) for construction of 63,561-square foot school facility to accommodate 900 students from kindergarten through 8<sup>th</sup> grade;

A vacation request (VA 12-1-03) to vacate the existing 15-foot road easement along the south property line;

A developer agreement (DA 12-2-03) between the developer, Broward County, and Town of Davie for the management plan for the archeological site within the plat limit.

---

## **Applicable Codes and Ordinances**

Section 12-360(B) of the Land Development Code, platting requirements.

## Comprehensive Plan Considerations

**Planning Area:** The subject property is within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The proposed plat is in Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 1: Land Development Regulations, Policy 1-6:* Platting shall be required, pursuant to the Plan Implementation Section of this Plan.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

*Future Land Use Plan, Policy 13-2:* Community Facilities may be permitted in land use categories other than the Community Facilities category, provide such development is compatible with and does not adversely affect the development of the surrounding land for designated purposes.

---

## Significant Development Review Agency Comments

All agency comments have been satisfied.

---

## Application Details and Staff Analysis

The subject site is located on the west side of Shotgun Road, south of SW 36 Street, across the street from the single-family development known as Riverstone. The dedicated right-of-way for Shotgun Road along the plat is 95 feet. This 95 feet includes 15 feet out of a total 60-foot canal reservation (the remaining 45 feet is within the plat boundary). A 15-foot equestrian trail exists east of the 60-foot canal reservation and within the right-of-way for Shotgun Road. A newly constructed roundabout is located at the intersection of Shotgun Road and SW 36 Street, just to the north of this plat.

The applicant's submission indicates the following:

1. *Site:* The subject site area consists of approximately 463,003 square feet (10.63 acres).

2. *Restrictive Note:* The plat is restricted to 75,000 square feet for a charter school, consisting of 26,400 square feet for an elementary school and 48,000 square feet for a secondary school.
3. *Archeological Site:* This plat lies within the sensitive East Everglades Archeological Zone of Broward County. An archeological survey of this plat was conducted in 1991 by the Archeological and Historical Conservancy, Inc., which reported that one archeological site, 8BD52, exists within the property. This site is currently a Local Area of Particular Concern, and may be eligible for listing on the National Register of Historic Places. Staff notes the applicant must enter into an agreement with Broward County and the Town of Davie that specifies a management plan for these archeological resources. In addition, the boundary of the site shall be professionally surveyed, delineated on the plat with site name, Florida Site File number, and preservation agreement designation, and shall be included in the legal description of the plat.
4. *Access:* Access is via an 80-foot access opening on Shotgun Road (SW 154 Avenue) adjacent to the south property line.

A limited access line exists along the west limit line of the plat adjacent to I-75, and along the north limit line adjacent to SW 36 Street. A non-vehicular access line (NVAL) also exists on the east limit of the plat adjacent to Shotgun Road except the 80-foot access opening.

5. *Easements and Reservations:* A 30-foot canal maintenance easement is provided along the eastern limits of the plat.

A 10-foot wide utility easement is provided along the north, south and east property lines.

---

### **Staff Analysis and Findings of Fact**

The Future Land Use Plan Map designation of the subject site is Residential (1DU/AC). A school is a permitted use as a community facility within the residential land use category. The proposed plat is generally consistent with the Comprehensive Plan and Land Development Code as it relates to use, location, and size. The applicant is requesting to rezone the property from AG (agricultural District) to CF (Community Facilities District) to accommodate the proposed charter school (ZB 2-4-03). Due to outstanding issues for the proposed site plan, the rezoning application is not ready for Town Council review at this time. The plat application is due to expire on February 24, 2004 in Broward County. Due to this time constrain, the applicant requests to process this application prior to all other requests. The plat approval is subject to the rezoning approval by Town Council.

---

### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met prior to final approval:

6. The plat approval is subject to the approval for rezoning (ZB 2-4-30) from AG (agricultural District) to CF (Community Facilities District).
7. Provide a 10-foot recreation trail along the north property line adjacent to SW 36 Street.
8. Indicate the existing 15-foot equestrian trail along the east plat limit.
9. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
10. A mylar copy of the plat shall be provided to the Planning and Zoning Division upon recordation.

---

### **Planning and Zoning Board Recommendation**

At the January 28, 2004, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to deny (Motion carried 3-1 with Mr. McLaughlin objecting and Mr. Stevens absent).

---

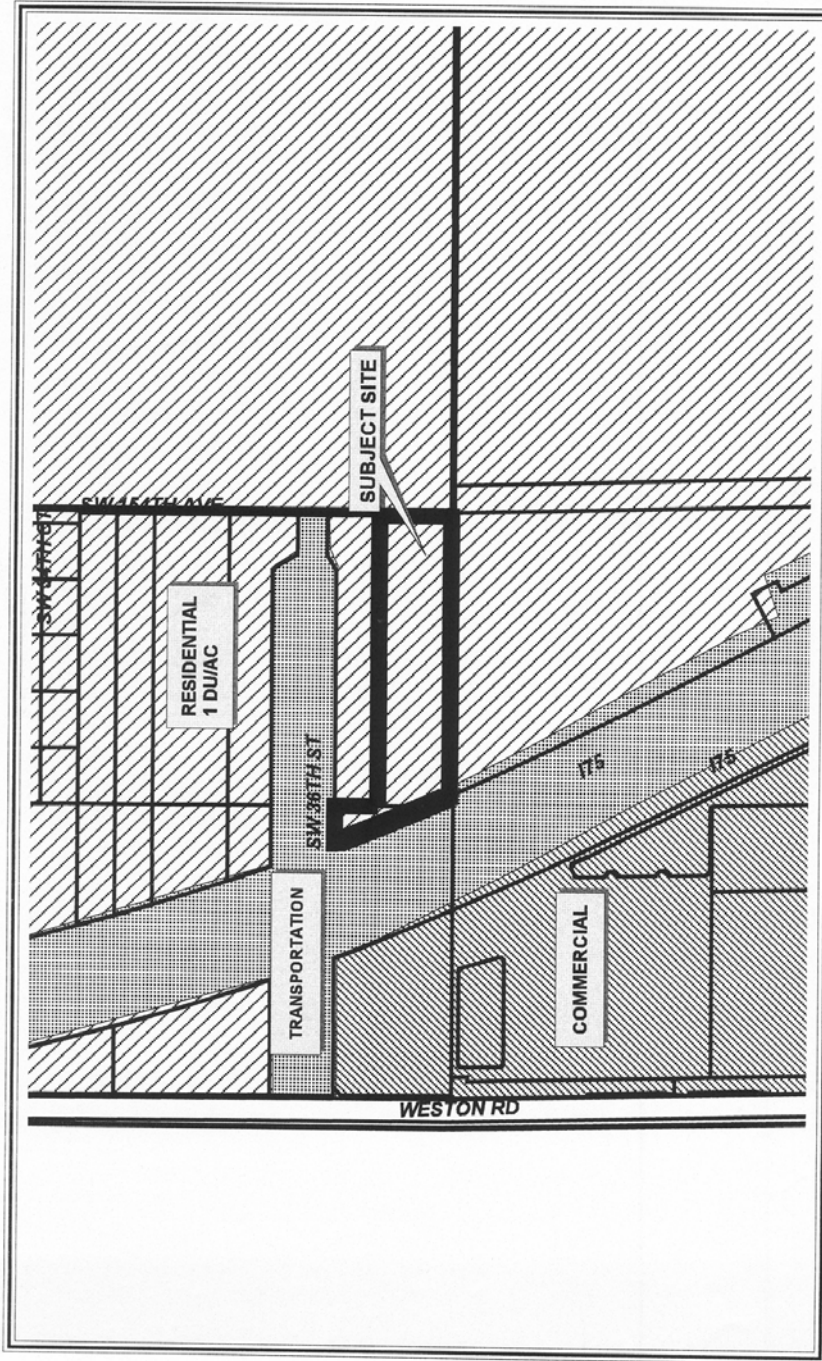
### **Exhibits**

Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

Prepared by: \_\_\_\_\_

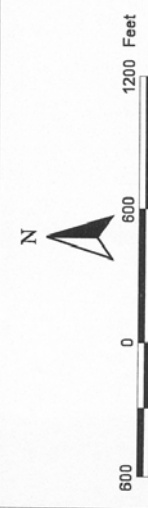
Reviewed by: \_\_\_\_\_



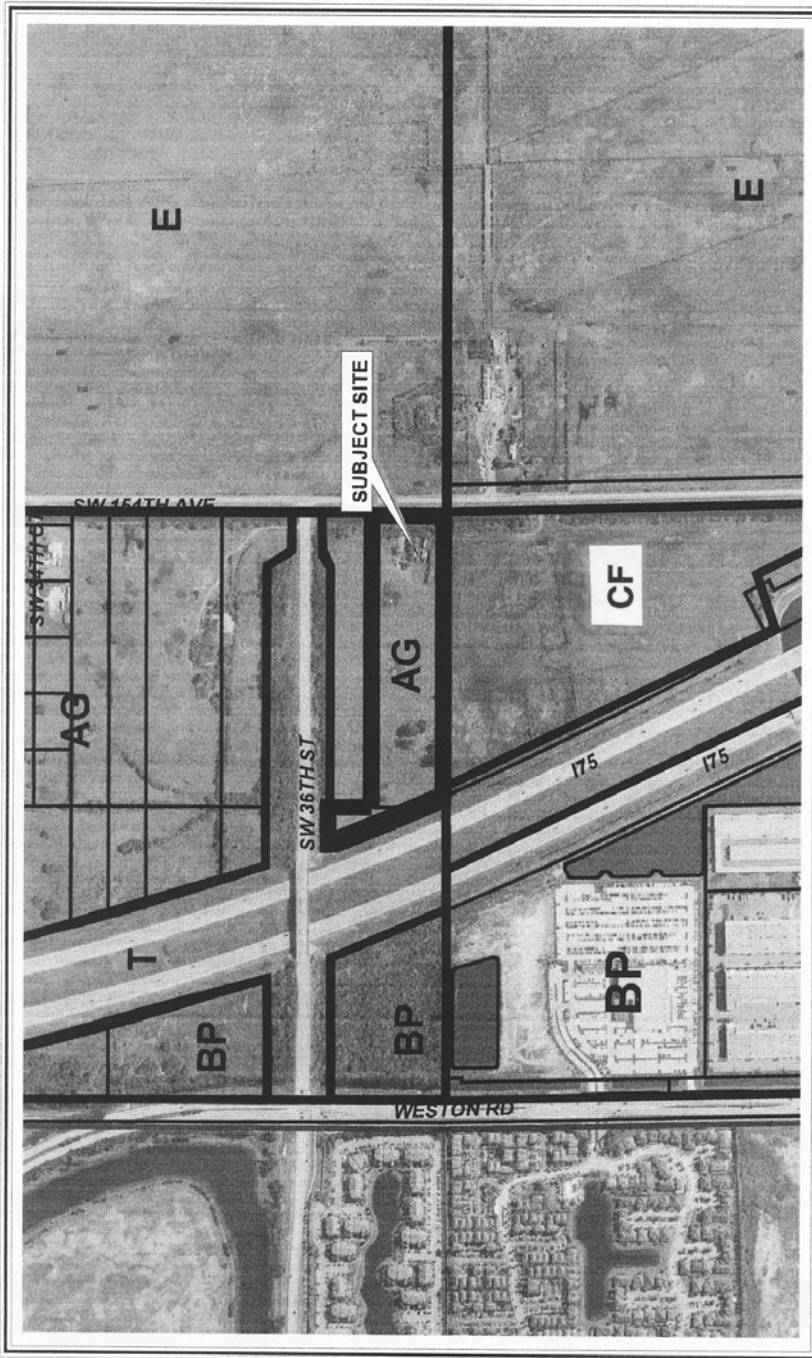


**PLAT  
P 2-1-03  
Future Land Use Map**

Prepared by: ID  
Date Prepared: 2/27/03



Planning & Zoning Division - GIS



Date Flown:  
12/31/00



600 0 600 1200 Feet

Planning & Zoning Division - GIS



# **PLAT** **P 2-1-03** **Zoning and Aerial Map**

Prepared by: ID  
Date Prepared: 2/27/03